

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE GOOGLE PLAY CONSUMER ANTITRUST LITIGATION

RELATED ACTIONS:

Epic Games Inc. v. Google LLC et al.,
Case No. 3:20-cv-05671-JD

In re Google Play Developer Antitrust Litigation, Case No. 3:20-cv-05792-JD

State of Utah, et. al., v. Google LLC, et. al.,
Case No. 3:21-cv-05227-JD

No. 3:20-CV-05761-JD

**[PROPOSED] ORDER RE
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL AND NOTICE OF
LODGING PURSUANT TO CIVIL
LOCAL RULE 79-5**

Judge: Hon. James Donato

Upon consideration of Plaintiffs' Administrative Motion to File Documents Under Seal and Notice of Lodging the unredacted version of Plaintiffs' Consolidated First Amended Complaint ("FAC"), and the papers submitted in support, IT IS HEREBY ORDERED that the Clerk shall seal the unredacted version of the FAC until the resolution of any declaration submitted pursuant to Civil Local Rule 79-5 and any response thereto.

Pursuant to Civil Local Rule 79-5, no later than July 26, 2021, Defendant Google, the Designating Party, shall submit a declaration in compliance with Rule 79-5 establishing that the following portions of the FAC warrant sealing. The portions of the unredacted FAC that shall remain temporarily sealed are as follows:

| FAC Paragraph | Corresponding Page and Line Number(s) |
|----------------------|---|
| ¶ 17 | 5:13-14, excluding "Internally, Google freely admits that its" and "and is an" |
| ¶ 17 n. 1 | 5:26, excluding "what it has internally called its" and "fee. As of July 1, 2021, Google allowed developers to register" |
| ¶ 50 | 12:24, excluding "utilize a pre-installed app store to purchase and download apps. Indeed, only" and "of active android" |
| ¶ 76 | 17:28, excluding "Android app store, except the Google Play Store, is pre-installed on more than" and "of Android" 18:3, excluding "comes pre-installed on no more than" and "of Android mobile devices" |
| ¶ 82 | 19:4-5, excluding "Store generated revenues of," "accounting for over," and "percent of the company's total revenue in that year of" |
| ¶ 84 | 19:22-25, excluding "(emphasis added)" |
| ¶ 85 | 19:27-20:9, excluding "important applications," and "In short, Google would hobble Galaxy as a potential competitor." |

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| FAC Paragraph | Corresponding Page and Line Number(s) |
|---------------|--|
| ¶ 86 | 20:10-15, excluding “The plan specifically called for Google to” and “allowing” |
| ¶ 87 | 20:19-22, excluding “In return for Samsung agreeing” |
| ¶ 88 | 20:23-26, excluding “The Galaxy Store” |
| ¶ 89 | 21:2-8, excluding “restrictive OEM agreements alone,” “While the vast majority of developers have no such choice,” and “Those incentives have ensured not only” |
| ¶ 105 | 24:16-18, excluding “2009, Google told a major OEM that” and “(internal quotes in original)” |
| ¶ 106 | 24:19-23, excluding “A more recent internal planning memorandum” |
| ¶ 109 | 25:11, excluding “mobile device. Android OEMs must further pre-install up to” and “mandatory Google apps and locate” 25:13-16, excluding “mobile device that otherwise could be occupied by competing app stores or other services” |
| ¶ 110 | 25:18-21, excluding “for flexibility” |
| ¶ 111 | 25:24-26, excluding “Google has noted” |
| ¶ 113 | 26:8, excluding “placement, something that Google currently forbids. Google’s contracts, covering over” and “of” |
| ¶ 115 | 26:24-27:2, excluding “restrictions. For instance, in 2014,” |
| ¶¶ 116-17 | 27:3-14 |
| ¶ 118 | 27:15-16, excluding “So, Google updated its DDA and altered Section” 27:19-21, excluding “devices outside of Google Play.” |
| ¶ 119 | 27:22-24, excluding “At the same time,” |

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| FAC Paragraph | Corresponding Page and Line Number(s) |
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| ¶ 120 | 27:26-28:2, excluding “choice of applications that an OEM preloads or installs on a device. For instance,” |
| ¶ 121 | 28:4-8, excluding “For instance, when” |
| ¶ 123 | 28:16-26, excluding “any Google apps or products” |
| ¶ 128 | 29:17-22 |
| ¶ 129 | 29:23-28, excluding “Indeed.” |
| ¶ 130 | 30:1-5 |
| ¶ 131 | 30:9-10, excluding “in a 2014 presentation,” |
| ¶ 132 | 30:14-15 |
| ¶ 133 | 30:16-19 |
| ¶ 134 | 30:21-23, excluding “Amazon, Google noted in an internal strategy document that it would respond by” |
| ¶ 135 | 30:24-31:3 |
| ¶ 136 | 31:4-7, excluding “Discovery is ongoing. Though Google’s internal documents show that over,” “it remains to be seen exactly how many OEMs have entered,” and “Google’s intent, however, is clear:” |
| ¶ 137 | 31:11-17, excluding “mobile network operator agreements. As candidly described by a Google employee:” |
| ¶ 138 | 31:19-20, excluding “per year by 2023” |
| ¶ 144 | 32:18-25, excluding “In 2014,” |
| ¶ 154 | 35:3-5 |
| ¶ 155 | 35:8, excluding “Google’s internal documents, a full” and “of devices worldwide maintain the default setting” |
| ¶ 156 | 35:12, excluding “has intentionally created” and “for |

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| FAC Paragraph | Corresponding Page and Line Number(s) |
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| | installing apps from what it deemed ‘unknown’ |
| ¶ 158 | 36:3-11, excluding “security theatre. Google internal documents explain that tagging an app as ‘unknown’” |
| ¶ 159 | 36:14-18, excluding “Google recognized that,” and “By 2016, Google had,” |
| ¶ 160 | 36:19-28, excluding “In 2017, Google also discussed additional ways to,” and “That same year,” |
| ¶ 185 | 42:8-14, excluding “In addition,” and “The ability to choose a non-Google payments system for in-app transactions could save a developer, and hence consumers, tens of millions of dollars. Indeed,” |
| ¶ 187 | 42:24-27 |
| ¶ 193 | 44:7, excluding “processing. For example, the 30% commission is far higher than the” and “revenue share that Google” |
| ¶ 194 | 44:11-13, excluding “Google’s internal documents recognize that” |
| ¶ 195 | 44:14-15, excluding “In fact, internally,” |

IT IS SO ORDERED.

DATED: _____

HON. JAMES DONATO
United States District Judge

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